

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

M.W., et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE ARMY, et al.,

Defendants.

Case No. 16-cv-04051-BLF

**ORDER GRANTING DEFENDANTS'
UNOPPOSED MOTION FOR NINETY
DAY STAY; VACATING MOTION
HEARING DATE; AND CONTINUING
INITIAL CASE MANAGEMENT
CONFERENCE**

[Re: ECF 32]

Plaintiffs M.W. (a minor) and the American Diabetes Association sue the United States Department of the Army and related entities, claiming that children with diabetes are precluded from participating in activities offered on military bases throughout the country as a result of Defendants' refusal to provide necessary diabetes-related care in connection with those activities. Plaintiffs filed this action on July 19, 2016, seeking injunctive and declaratory relief under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

Defendants have filed a motion for stay, currently set for hearing on January 19, 2017, in which they request ninety days to revise their policies and procedures for providing diabetes-related care to children who wish to participate in activities offered on military bases. Defendants' motion does not seek to stay mediation between the parties during the ninety day period. Plaintiffs initially opposed the motion for stay and briefing was completed in early December 2016. However, Plaintiffs subsequently filed a withdrawal of their opposition. *See* Notice of Plaintiffs' Withdrawal of Opposition to Defendants' Motion to Stay Litigation, ECF 38.

Absent opposition, and for good cause shown, Defendants' motion for stay is GRANTED. The case is hereby STAYED through April 5, 2017. Mediation between the parties is not stayed during this period.

In light of the Court's disposition of Defendants' motion, the January 19, 2017 hearing on the motion is VACATED and the January 19, 2017 Initial Case Management Conference is CONTINUED to April 20, 2017 at 11:00 a.m.

IT IS SO ORDERED.

Dated: January 5, 2017


BETH LABSON FREEMAN
United States District Judge

United States District Court
Northern District of California